

REMARKS

Reconsideration of this application is respectfully requested in light of the above amendments and following remarks. Claim 11 has been amended and claims 13 - 35 have been added. Claims 1 - 9 and 12 have been cancelled. If any additional fees are required due to the addition of the claims herein, the PTO is authorized to charge the deposit account referenced below.

I. Summary of Rejections and remarks therefore:

Claims 1 - 9, 11 and 12 were rejected under 35 U.S.C. 112 first paragraph for failing to comply with the written description requirement in that the Examiner states the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claim invention. Specifically, in claim 1, "said dielectric capacitor including composite materials in their paraelectric state" is not described in the specification.

The Applicants have cancelled claims 1 - 9 and 12 and amended claim 11 to delete the language, "said dielectric capacitor including composite materials in their paraelectric state". Further, in all of the new claims, Applicants have not claimed "materials in their paraelectric state". Thus, Applicants believe they have traversed the section 112 rejection as it relates to claim 11 and would not anticipate a 112 rejection as it relates to new claims 13 - 35.

Claims 1 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Das. Claims 1 - 4 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jackson. Claims 2, 3, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Das in view of Mueller et al. Claims 5 - 8 were rejected under

35 U.S.C. 103(a) as being unpatentable over Jackson in view of McGann. Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of Mueller et al. Claims 1 - 9 were rejected under 35 U.S.C. 103(a) as being upatentable over Reed or West in view of Mueller et al.

Applicant notes that the Examiner has not applied a 103 or 102 rejection to claim 11. Further, although claims 1 - 9 and 12 have been cancelled, Applicant submits the following remarks in so far as Das, West, Reed and Mueller relate to the new claims. In all of the cited references wherein tunable dielectric materials are used, the performance parameters of the tunable dielectrics are very poor compared to the tunable dielectric meticulously set forth in the present application and in the patents and patent applications incorporated by reference in the present application. The level of detail of the tunable material and the support for the additional claims can be found at page 7, line 15 through page 11, line 10. Indeed, for example in Das, the tunable material is only briefly mentioned and the device of Das requires (as set forth in all claims of Das), “means, with which said tunable filter being associated, for keeping said cylindrical cavity filter at a constant designed temperature appropriately above said Curie temperature of said ferroelectric rod.” Mueller, West and Reed also either don’t mention the use of a tunable dielectric or gloss over the description of the tunable dielectric due to the poor performance.

Unlike Das, the present invention does not require “means, with which said tunable filter being associated, for keeping said cylindrical cavity filter at a constant designed temperature appropriately above said Curie temperature of said ferroelectric rod”, thus enabling a commercially viable product.

The new claims more particularly claim the tunable dielectric material, for which Applicants have expended a very considerable amount of time and resources to develop and which significantly improves upon the art set forth in Mueller, West, Reed and Das.

PATENT

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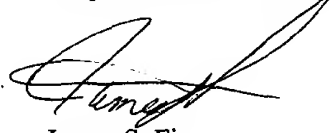
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CONCLUSION

It is respectfully submitted that, in view of the foregoing amendment and remarks, the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 502697. The Examiner is invited to contact the undersigned at 202-607-4607 to discuss any matter regarding this application.

Respectfully submitted,



James S. Finn
Registration No. 38,450

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8650 Southwestern Blvd. #2825
Dallas, TX 75206
(202) 607-4607
(801) 406-8085 FAX